

III. REMARKS

1 Claims 1-26 remain in the application. Claim 27 has been cancelled without prejudice. Claims 1-21 and 23 have been amended. Support for the amendments to claims 2, 5, and 23 may be found in the specification, for example, on page 9, line 4 through page 10, line2..

2 Applicants respectfully submit that claims 1-26 are patentable over the combination of Rydbeck (US 5,590,416) and Podgorny et al. (GB 2018033, "Podgorny") under 35 USC 103(a).

The combination of Rydbeck and Podgorny fails to disclose or suggest an antenna with a pivot point positioned within the radio telephone, wherein the antenna is arranged to pivot about the pivot point only in a single plane and through an acute angle, as recited by claims 1, 18, and 21.

2.1 The combination of Rydbeck and Podgorny fails to disclose or suggest an antenna with a pivot point positioned within the radio telephone.

Rydbeck discloses a canted antenna for a cellular phone. The antenna includes an angled boss 40 that contacts an angled end surface of the antenna at surface 42. by rotating portion 34 about axis 38, the antenna may be canted at a desired angle, such as away from a user's head. The rotatable connection between boss 40 and antenna portion 34 is provided by pin 50 which is clearly external to the phone 20. Rydbeck has no disclosure related to providing an antenna with a pivot point within a phone.

Podgorny discloses a support of a pivotable rod antenna that includes a circular housing 5 that encases a tip of the antenna and an antenna tilt locking device. The tip pivots in a vertical plane about a transverse pivot 6. Podgorny also has no disclosure related to providing an antenna with a pivot point within a phone.

2.2 The combination of Rydbeck and Podgorny fails to disclose or suggest an antenna arranged to pivot about the pivot point only in a single plane and through an acute angle.

Applicants note that according to MPEP 2143.01 V. and VI. any proposed modification cannot render the prior art unsatisfactory for its intended purpose and cannot change the principle of operation of a reference. Thus, the functionality of both Rydbeck and Podgorny must be preserved when combining them.

Rydbeck's canted antenna has no provisions for limiting any pivoting to a single plane. While Podgorny discloses pivoting in a vertical plane about a transverse pivot 6, when combined with Rydbeck, the combination provides both pivoting in a vertical plane and angled pivoting about axis 38 (Fig. 3, Rydbeck) through a multitude of planes. Thus, the combination fails to disclose or suggest an antenna arranged to pivot about the pivot point only in a single plane.

The combination of the canted antenna of Rydbeck and the support of Podgorny does not limit pivoting to an acute angle. For example, mounting Podgorny's support under Rydbeck's boss 40 would result in an antenna that would easily extend through an obtuse angle.

Because the combination of Rydbeck and Podgorny fails to disclose or suggest all the limitations of claims 1, 18, and 21, the cited combination fails to render independent claims 1, 18, and 21, and dependent claims 2-17, 19, 20, and 22-26 unpatentable.

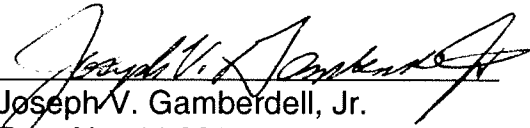
3 Claims 2, 5, and 23 have been amended to recite a switch for controlling the operation of a radio telephone, actuated by the antenna. None of the references disclose or suggest this feature.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record,

and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date

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